

#  
PATENT  
Application of HAUSMAN  
Serial No. 09/584,045  
Atty Docket No. 3524/14

#16

3624

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

RECEIVED

AUG 13 2002

GROUP 3600

In re Application of: HAUSMAN, Andrew

Serial No.: 09/584,045

Filed: 30 May 2000

Title: ELECTRONIC TRADING SYSTEM FOR ELECTRICITY FORWARDS

RECEIVED  
TECHNOLOGY CENTER 3600  
02 AUG -7 AM 10:31

BY HAND DELIVERY

Attn: Special Programs Examiner  
Technology Center 3600  
Commissioner of Patents  
Washington, D.C. 20231

REQUEST FOR RECONSIDERATION AND RENEWED  
PETITION TO MAKE APPLICATION SPECIAL

Pursuant to 37 C.F.R. § 1.102(d)

Sir:

This is a request for reconsideration of the Petition filed herein 1 May 2002 to make the above-identified application special pursuant to 37 C.F.R. § 1.102(d) on grounds of actual infringement (the "1 May 2002 Petition"), and a renewal of that Petition. A check in the amount \$130.00 is enclosed in payment of the petition fee required by 37 C.F.R. § 1.17(h). Please credit any overpayment, or charge any additional fees or any fee deficiency, that may be required to enter and process this request to Deposit Account No. 02-4270.

### Infringement

The allegation of actual infringement is made against an electronic trading system currently in use under the trade name "IntercontinentalExchange." General information pertaining to this system is available at [www.intex.com](http://www.intex.com). Copies of documents giving a general description of that system are attached as Exhibit A to the Declaration of Jessica Leerentveld in Support of Petition to Make Special, filed with the 1 May 2002 Petition. Current copies of the same materials are attached hereto.

Also attached hereto is a supplemental Declaration of Jessica Leerentveld. This Declaration contains detailed descriptions of a number of trading features offered by the Intercontinental Exchange system. Based on a rigid comparison of the facts set forth in that Declaration and in the description of the IntercontinentalExchange system currently available at [www.intxc.com](http://www.intxc.com), and the claims of the instant application, I believe that at least claims 13 – 15, 19 – 23, 33 – 35, and 38 - 50 of the instant application are unquestionably infringed by a product actually on the market or a method in use.

### Prior Art Search


A careful and thorough computer search of the prior art has been made. All of the patents identified during this search are included on Information Disclosure Citation forms filed herein 2 November 2000, 13 April 2001, and 24 August 2001. Copies of the cited references were filed with those Citations.

Conclusion

It is submitted that all requirements set forth in 37 C.F.R. § 1.102 and MPEP § 708.02 II have been met for granting this petition, and that each of the concerns expressed by the Office in the Decision mailed 13 June 2002 denying the 1 May 2002 Petition have been satisfied. Accordingly, it is requested that the Petition be granted and that the application herein be made special, and advanced for immediate examination.

Respectfully submitted,

Date: 6 August 2002

  
\_\_\_\_\_  
Matthew J. Marquardt  
Registration No. 40,997  
BROWN RAYSMAN MILLSTEIN  
FELDER & STEINER LLP  
900 Third Avenue  
New York, New York 10022  
Tel: (212) 895-2000  
Fax: (212) 895-2900